

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Case No. MD-15-02641-PHX-DGC

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY
LITIGATION

Civil Action No. 2:16-cv-03453-DGC

**PLAINTIFF'S FIRST AMENDED
MASTER SHORT FORM
COMPLAINT FOR DAMAGES FOR
INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their First Amended Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Rosalynn Gatewood

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Milton Gatewood

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Spouse

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

857 Boston St. Memphis, TN 38114

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

857 Boston St. Memphis, TN 38114

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Tennessee

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, ED Tennessee

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

- a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

X G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

March 3, 2010

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable TN (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade

Practices

X Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

X Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes ☐ No

RESPECTFULLY SUBMITTED this 17th day of October, 2016.

Respectfully submitted,

SWMK Law, LLC

By: _____
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ATTORNEY FOR PLAINTIFF

I hereby certify that on this 17th day of October, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

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Melanie K. Schmickle